

*Novitsky*

patient in need thereof a peptide that exerts insulinotropic activity by interacting with the same receptor or receptors with which GLP-1, GLP-1 analogs, and GLP-1 derivatives interact in exerting their insulinotropic activity at a dose effective to normalize blood glucose.

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21. (amended) A method of reducing morbidity and mortality after myocardial infarction comprising administering to a patient in need thereof a peptide that enhances insulin sensitivity by interacting with the same receptor or receptors with which GLP-1, GLP-1 analogs, and GLP-1 derivatives interact in enhancing insulin sensitivity at a dose effective to normalize blood glucose.

Remarks

Amended Claims 20 and 21 specify that the compound is a peptide. Hundreds of different peptides that interact with the GLP-1 receptor are described in the Specification (For example, see pages 6 through 13). Recombinant expression of peptides is described beginning on page 14 and peptide synthesis techniques are described beginning on page 13.

Response to Restriction Requirement

Renumbered claims 13 through 21 (corresponding to claims 22 through 30 filed as a preliminary amendment on April 12, 2001) are pending in the above-referenced Application. The Examiner has made a restriction requirement under 35 U.S.C. § 121. The Examiner has grouped claims 13-19 into Group I and claims 20-21 into Group II. Applicants elect Group I with traverse.

The Examiner suggests that the inventions are distinct because the methods are practiced with distinct products. The Examiner notes that the necessity for "non-coextensive literature searches" supports a restriction requirement. Applicants have amended claims 20 and 21 to specify that the